

MINUTES

ALCOHOL AND TOBACCO COMMISSION

AUGUST 15, 2006

CALL TO ORDER/NOTING OF QUORUM

Chairman Heath called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Sturtz and Commissioner Guthrie. Also in attendance were Executive Secretary Choe and Superintendent Huskey.

Steve Brenman, Mark Webb, and Jeff McKean were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes submitted for the August 1, 2006 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the August 15, 2006 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a

Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Four hundred twenty-nine (429) renewals approved, forty-two (42) new and/or transfer permits approved, three (3) permits approved for catering, four (4) permits approved for first year escrow, five (5) permits approved for second year escrow, five (5) permits approved for third year escrow, two (2) permits approved for fourth year escrow and two (2) permits approved for fifth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Guthrie and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR20-13583 EL PALENQUE, INC., d/b/a DISCO RODEO – Chairman Heath noted this is a type 210 transfer of ownership and location with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the transfers. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL43-22545 MCCLURE OIL CORPORATION – Chairman Heath noted this is a new type 115 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR32-20437 COAND, INC., d/b/a LEGENDS PUB – Chairman Heath noted this is a type 210-1 renewal application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL45-22398 SPEEDWAY SUPERAMERICA, LLC – Chairman Heath noted this is a new type 115 application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR75-22557 BOWLAWAY LANES, LLC – Chairman Heath noted this is a new type 111 application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR79-01365 TOMAR, INC., d/b/a RIEHLE BROTHERS – Chairman Heath noted this is a type 210 renewal application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the renewal. Motion seconded by Commissioner Sturtz, Vice Chairman Johnson voted to deny and Chairman Heath abstained from voting. Therefore, the vote was three (3) votes to uphold the local board's recommendation to deny and one (1) abstention.

RR24-22597 PAPPY'S PIZZA, LLC –

Chairman RR24-22597 Pappy's Pizza, LLC, new type 111 application with the local board voting four (4) to zero (0) to disapprove.

Guthrie I reviewed this file as well. The tape record of this hearing only included the actual voting of the local board. There is none of the oral testimony at the hearing was preserved and, therefore, is not in the record. The only evidence that is before us is the documentary evidence, which is all in support of the application. Therefore, there is no evidence at all to authorize the disapproval of this application. Therefore, I move to reverse the local board and approve this 111 application.

Sturtz I'll second.

Chairman All in favor?

Guthrie Aye.

Sturtz Aye.

Johnson Aye.

Chairman Motion carries.

INACTIVE FILES

Commissioner Guthrie moved to make sixteen (16) permits inactive. Eleven (11) permits are not subject to auction and five (5) permits are subject to auction. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR02-14184 PHAEDRA RESTAURANT CORP. –Vice Chairperson Johnson moved to reactivate this permit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

OLD BUSINESS

RR82-05259 WINGZ 2U – Commissioner Guthrie noted this arose out of a disciplinary matter. The permittee requested permission to sell this license. The commission allowed the request, however, it has been since May and the permittee has made no progress so far in transferring this permit.

Commissioner Guthrie moved to allow an additional 90 days to complete the transfer process. Motion seconded by Commissioner Sturtz and it was unanimously approved.

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

UNDER ADVISEMENT

Nothing Under Advisement

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this _____ day of _____, 2006.

DAVE HEATH, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER